

CHAPTER 19.80

NONCONFORMING BUILDINGS AND USES

Sections:

- 19.80.010 PURPOSE
- 19.80.020 NONCONFORMING BUILDINGS AND USES
- 19.80.030 BUILDINGS UNDER CONSTRUCTION
- 19.80.040 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS
- 19.80.050 NONCONFORMING USES RESULTING FROM AMENDMENTS

19.80.010 PURPOSE

The purpose of this Chapter is to establish provisions for the continued use, modification or removal of nonconforming buildings and uses. A nonconforming building or use is one that was lawfully established and maintained, but due to changes in the Zoning Code or other governmental actions, such building or use no longer complies with the provisions of this Title. A nonconforming building, or portion of a building, or use shall constitute a nonconforming use of the property.

It is also the intent of this Chapter to permit nonconformities to continue until they are removed. In addition, nonconformities shall not be enlarged, expanded, extended, altered, moved, reestablished after abandonment or restored after destruction, except as provided by this Chapter. It is the goal of this Chapter to require nonconforming uses to be altered to conform to the current requirements of this Title.

19.80.020 NONCONFORMING BUILDINGS AND USES

The following regulations shall apply to all nonconforming buildings and structures, or parts thereof, and uses existing on January 3, 1954:

A. *Continued Use and Enlargement*

Any nonconforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in Sections 19.80.030 and 19.80.040. Any nonconforming use may be continued and maintained provided there is no increase or enlargement of the area, space or volume occupied or devoted to such nonconforming use.

B. *Discontinued or Abandoned Buildings and Uses*

Any part of a building, structure or land occupied by a nonconforming use, which use is discontinued or abandoned for a period of one year or

more, shall not again be used or occupied for a nonconforming use. The use of the building, structure or site shall be in conformity with the regulations for the zone in which it is located, except this provision shall not apply to dwelling units.

C. ***Maintenance or Change of Nonconforming Structures***

Any part of a building, structure or land occupied by such nonconforming use which is changed to or replaced by a use conforming to the provisions of this Title as they apply to the particular Zoning category or district shall not thereafter be used or occupied by a nonconforming use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive Zoning classification or district.

19.80.030 BUILDINGS UNDER CONSTRUCTION

Nothing contained in this Title shall require any change in the plans, construction or designated use of a building for which a building permit has been issued, and plans for which are on file with the City Building and Safety Department on December 4, 1953, and the construction of which in either case shall have been diligently prosecuted within one year of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within such year, and which entire building shall be completed according to such plans as filed, within two years from December 4, 1953.

19.80.040 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS

Nothing in this Title shall be taken to prevent the restoration of a nonconforming building destroyed to the extent of not more than 75 percent of its reasonable value, to be determined by the City Council, by fire, explosion or other casualty, or act of God, of the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, but any building so damaged to more than 75 percent of its value may not be rebuilt, repaired or used unless it is made to conform to all regulations for buildings in the Zoning district or category in which it is located.

19.80.050 NONCONFORMING USES RESULTING FROM AMENDMENTS

The provisions of this Title shall apply to uses which become nonconforming by reason of any amendment to this Title, as of the effective date of such amendment.